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Beyond (Dis)belief: Rhetorical Form and Religious Symbol in Cicero's *de Divinatione*[*]

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Introduction

In Cicero's *de Divinatione*, Marcus and his brother Quintus present cases against and for the idea that divination is possible.[1] The work has received mixed and sometimes conflicting interpretations. Older commentators, subscribing in various degrees to the view that Roman religion was progressively declining, or that it had become a mere tool in the hands of corrupt politicians,[2] have seen the case made by the skeptical M. as a genuine refutation of the possibility of divination, with the pietistic Q. as the straw man.[3] More recent commentators

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[1]For bibliography on *de Divinatione* cf. the references in Linderski 1982; for Cicero and religion more generally, Guillaumont and Troiani. For an overview of Roman divinatory practices, cf. Liebeschuetz 7–29; for more detail cf. Bouché-Leclercq.

[2]This view is concisely formulated in Taylor 76–97, cf. Dumézil 526–50; contra Liebeschuetz 7–29. For a more nuanced view of the nature between politics and religion, cf. Beard-North-Price 114–40.

[3]So Pease 1920–23 and ultimately Guillaumont; cf. Momigliano 209, Timpanero lxxv. I adapt the helpful practice of Schofield of referring to Cicero the author by his *cognomen* and Cicero the character by his *praenomen*: by "M." and "Q." I will mean not the historical figures but the characters of the dialogue.

have detected subtler political motivations[4] and even denied that Cicero means one side to win at all.[5]

This article, which draws especially upon Linderski (1982) and Schofield, aims to expound an interpretation that joins the idea, developed in more recent work, that the second book is not an unproblematic account of Cicero's own views on divination, to the conviction, commoner to older scholarship, that the contemporary state of the politico-religious system was important to the work's conception. I will suggest that *de Divinatione* is not quite, or not merely, a discussion of the question of divination, but is an indirect and dialectical attempt to construct a normative definition for religious symbols in Roman culture, among which divinatory practices, in the form of augury and extispicine, were especially prominent. *De Divinatione* illustrates the inadequacies, for the purposes of Roman social practice, of *both* the fideistic *and* the skeptical approach to such symbols; but, having illustrated these inadequacies, the text also points dialectically in the direction of a *tertium quid* that avoids the pitfalls of both positions.

Cicero's method of illustrating the shortcomings of fideism and skepticism is unusual: it is broadly speaking, rhetorical, even poetic, rather than philosophical. The failings of the two positions are brought to the fore by aspects of what may be called, loosely, the *rhetorical form* of the argument: how Cicero arranges and fits out the speech of each debater—the *distributio* and *ornatus* of each book, to use the technical language of rhetoric. In writing *de Divinatione* Cicero obviously drew on various philosophical source materials, from the Stoics for arguments in favor and from the Academics for arguments against.[6] In adapting these philosophical positions, Cicero, as an oratorical craftsman, naturally structured them for rhetorical effectiveness and added

[4]Linderski 1982 and Momigliano detect in *de Divinatione* a response to Caesar's rise to power; see further below, n. 83.

[5]So Beard 1986, Schofield. Beard suggests that Cicero has constructed a deliberately evasive text not expressing personal convictions but aiming to establish "religion" as a sphere of inquiry. Schofield, asking why Cicero continued to examine theological issues after the extensive *de Natura Deorum*, suggests that he was attracted to a problem allowing for two distinctive types of rhetorical display; the Academic method, which argued energetically *in utramque partem*, appealed to him as an intellectual method and as a form of moral reasoning.

[6]For passages in which the arguments of Q. and M. are characterized as Stoic or Academic, cf. 1.10, 1.82, 1.118, 2.8, 2.100, 2.150; on 2.28, cf. n. 57. The particular sources of, or parallels to, many of the arguments are collected in the commentary of Pease 1920–23.

rhetorical flourishes—figures of speech, details of presentation, illustrative quotations from poetry, and the like. That is one of the strengths of the orator, as against philosophers, who in Crassus' formulation, use a "thin and bloodless idiom" (*tenui quodam exsanguique sermone*), whereas only a proper orator can expound on the same topics "pleasantly and impressively" (*cum omni iucunditate et grauitate*, *de Orat.* 1.56–57). The sorts of structures Cicero uses and the flourishes he adds are not, however, empty, mechanical, or indiscriminate additions, but distinctly and consistently different for each half of the dialogue. These details, I will suggest, were sensitively selected by Cicero, with his highly refined sense for who should speak in what way—in short, his *decorum*—in order to produce certain ideological polarities between M. and Q. These polarities, in turn, emphasize that both fideism and skepticism fail to provide an adequate account of the Roman practice of divination.

De Divinatione also presents a dialectical solution to these inadequacies, in two ways. There is first M.'s occasional insistence that Roman ritual practice be maintained, which, far from mere pragmatism, is, as I will argue below, precisely the resolution to which the text's opposing tensions point. However, the most interesting part of the dialectical solution is, like the inadequacies themselves, also indicated in a "rhetorical" rather than a "logical" way. The *de Divinatione* contains substantial quotations from Cicero's previously independent poetry; in this article I will be especially concerned with the quotations from the *Marius* and the *de Consulatu suo.* Notably all the quotations appear in Q.'s half of the argument: that is, Q. uses his own brother's poetry against him; M. the character in effect argues against Cicero the poet. This recontextualizing of Cicero's poetry is more than just the convenient reuse of available material. The passages cited from *Marius* and *de Consulatu suo* exemplify the use of religious symbols in elite self-presentation. Cicero's pointed recontextualizing of his own poetry, I will argue, is an attempt to distance himself, as part of a larger effort to grapple with the issue of the use of religious symbols in public life, from a mode of symbolic expression that, for reasons we will see, had become distasteful to him. The debate about divination as framed in the Greek philosophical tradition simply gave him a convenient, although somewhat unsuitable, platform from which to explore that issue.[7]

[7]The clash between Greek theory and Roman realities is noted by Beard 41–42, who argues that "the tensions, constraints and evasions" in *de Divinatione* and *de Natura Deorum* "may be explained by reference to the underlying confrontation between traditional Roman symbolic knowledge of the working of the world and the developed Hellenizing encyclopaedic rules for comprehending the same phenomena."

I: Vulgar Gods vs. Elite Gods

M. ends Book 2 with a sustained attack on the divinatory power of dreams (2.119–48). It is an especially important attack not only by way of its position but also since, by this point in the dialogue, Q. has retreated from defending the other forms of divination, claiming veracity only for divine inspiration and dreams.[8] M., after having asserted that dreams do not deserve to be accorded any special generic or functional status (2.119–23),[9] attacks three possible arguments for considering dreams prophetic: the existence of some divine force (*uis diuina*); the "harmonic structure" of the universe (συμπάθεια);[10] and long observation (*obseruatio diuturna*). The last two are dispatched fairly quickly (2.142–45 and 2.146), and M. spends most of his time refuting the idea that dreams are messages sent by the gods (2.124–42), an idea Q. had supported (1.64). Among the several claims that M. puts forth in the course of this last refutation is that divine visitation in dreams is unworthy of the gods, as in this passage:

> uenit enim iam in contentionem, utrum sit probabilius, deosne inmortalis, rerum omnium praestantia excellentis, concursare <circum> omnium mortalium, qui ubique sunt, non modo lectos, uerum etiam grabatos et, cum stertentem aliquem uiderint, obicere iis uisa quaedam tortuosa et obscura, quae illi exterriti somno ad coniectorem mane deferant, an natura fieri, ut mobiliter animus agitatus, quod uigilans uiderit, dormiens uidere uideatur. (2.129)
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> The question at issue is what makes more sense: is it that the immortal gods, outstanding in their preeminence over all things, scurry around the bedrooms of every mortal, wherever they are, to mere cots no less than beds, and as soon as they see one snoring, toss him twisting and obscure visions, so he can wake in fear and take the visions to an interpreter in the morning; or is it that by a natural

[8]For an outline of the structure of Book 2, cf. p. 370 below. Q.'s maintenance of the reality only of divine madness and prophetic dreams is, as he says (2.100), the position of Dicaearchus and Cratippus (cf. 1.5, with Pease's notes; also 1.113, 2.105–9).

[9]M. argues that it is impossible to distinguish supposedly prophetic dreams from the ravings of madmen and drunkards (2.120–22), that is, that prophetic dreams have no distinct *definitio* (ὅρος); and he argues, by way of the example of medicine, that in practical effect dreams are not preferable to *artes* (2.122–23), that is, that dreams have no distinct *officium* or *munus* (ἔργον).

[10]For various renderings of the Greek, cf. 2.33, 2.34, 2.124, 2.142, 2.143.

> mechanism the mind, roused to motion, seems to see in its sleep what it saw while it was awake?[11]

This dichotomous question is plainly rhetorical rather than philosophical. The first half of the question does not represent the opposition claim fairly; neither does it demonstrate the theoretical incapacity of the gods to act in the way described.[12] Rather it depends only on the sensibility that gods act in a certain way. In their dignity, especially emphasized in this passage by the epithet *rerum omnium praestantia excellentis*, they do not "scurry" (*concursare*), visiting hovels[13] and speaking in riddles. These sensibilities are no more than the projection onto the gods of the standards of the Roman social elite. The elite did not "scurry" either: they moved evenly through the streets, symbolizing, and enacting, their *constantia* (which they could do because a *comitatus* had cleared the way).[14] They did not call upon οἱ πολλοί with their modest "cots" (*grabati*). Their esteem for clear communication, the flower of which was the law, scorned the obscure at the bar, embracing Theophrastean ἐνάργεια, and issued in a religious system with legalistic precisions, its language punctilious,[15]

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[11]For other invocations of the dignity of the gods, cf. 2.125, 2.135. Besides this claim and the claim about obscurity (see below, and n. 15), the two other claims made by M. in the course of this section are that, if some dreams do come from the gods, surely others do not, so that it is impossible to distinguish true from false dreams (2.127–28); and that there are biomechanical mechanisms that explain dreams (2.128, 2.129, 2.136–40).

[12]For a broader attempt to illustrate the philosophical failures of M.'s attack on divination, cf. Denyer, who concludes from such failures that "Stoic divination...emerges unscathed from Cicero's criticisms. It does so because the criticisms judge it by the standards of natural science, whereas in fact it is put forward to go alongside lexicography and literary criticism as a branch of applied semiotics, concerned with understanding the utterances of the gods" (9). Denyer leaves aside the issue of the larger rhetorical purpose of these manifest failures, which I argue are the result of Cicero's deliberate attempt to make the dependence of M.'s arguments on sensibility, rather than reason, apparent.

[13]For other passages where "hovels" are unworthy of the gods, cf. *scilicet [deos] casas omnium introspicere, ut uideant quid cuique conducat* (2.105) and *Tusc.* 5.97.

[14]On the importance of physical steadiness in noble self-presentation, cf. *Off.* 1.131, with the notes of Dyck.

[15]Cf. Hickson 7–11 with refs. For attacks on the obliquity, obscurity, imprecision, and inconsistency of various kinds of divinatory practice, cf. 2.44–45 (lightning), 2.82 (the favorable side in avispection), 2.55 (omens), 2.132–33 (dreams). Several of these are *loci communes*: cf. Arist. *Div.Somn.* 464a.20–22 (on dreams), Lucr. 6.393 (on lightning), with other parallels in Pease *ad* 2.44. A *locus communis*, of course, may acquire particular ideological resonances in its context.

and its avenues of intercourse between humans and gods carefully circumscribed.[16] The connection between the standards of the social elite and the presumed standards of the gods is overt in another passage, in which the idea that the gods might send signs one cannot understand about events one cannot avoid is rejected *a fortiori* because *homines probi* would not behave that way:

> quid autem uolunt di inmortales primum ea significantes quae sine interpretibus non possimus intellegere, deinde quae cauere nequeamus? at hoc ne homines quidem probi faciunt, ut amicis inpendentis calamitates praedicant quas illi effugere nullo modo possint.… (2.54)
>
> What do the gods mean by sending signs we cannot understand without interpreters, for events we cannot avoid? Not even good men do that, predicting to their friends imminent disasters that they cannot possibly escape.[17]

In short, the dichotomous rhetorical question gives M. a means of converting Q.'s position on the veracity of dreams into belief in vulgar gods. That is a standard rhetorical strategy of M. throughout the second book: insinuating, often by way of some more or less patent rhetorical device, the idea that gods who are accessible by means of, or associated with, divination are perforce ignoble.[18] In another instance M. employs the figure known as διλήμματον.[19] Q. in Book 1 had referred to the founding of Etruscan haruspicine by Tages, a god-man who was ploughed up from under the earth and gave

[16]As Liebeschuetz 17 points out, "The theory was that the augurs, *haruspices*, and *quindecimviri* were practicing a science bound by strict rules of evidence, that based its interpretations on a large body of empirically confirmed precedent."

[17]The idea that gods ought to deliver clear messages is developed by M. in the sections immediately following (2.126–27, 129, 131–34).

[18]Cf. ...*nec frustra ac sine causa quid facere dignum deo est quod abhorret etiam ab hominis constantia*, 2.125. Varro also avows the gods' dignity: some features of the *genus mythicon* of theology are *contra dignitatem et naturam inmortalium ficta* (*Ant. R.D.* 7). On the highly rhetorical character of Book 2, cf. Schofield 54: "It is of course true that all Cicero's philosophical treatises are written in a style impregnated with rhetorical technique; and his rhetorical instincts seldom desert him when he makes decisions whether at tactical or strategic level on the deployment of his material. But the special forensic tricks, particularly of cross-examination, which permeate *Div.* II, are not used nearly so extensively in the other critical books in the philosophical encyclopedia."

[19]The *Rhet. Her.* calls the figure *diuisio* (4.52), Cicero *conplexio* (*Inv.* 1.25).

the first instruction in the art.[20] M., in the course of his discussion of portents (*ostenta*, 2.49–69), a part of Etruscan haruspicine, takes up this foundation myth, splitting the observation into equally undesirable alternatives: if Tages was a man, he could not have survived under the earth or possessed the wisdom he is said to have imparted; and, if he was a god, what was he doing buried in the dirt, and why couldn't he have imparted haruspicine "from a higher place" (*hominibus disciplinam superiore e loco tradere*, 2.51)? It is of course true that buried humans can not stay alive, but there is no philosophical cogency in the points about the gods, which hold up the other half of the *dilemma*; there is only sensibility. Tages *qua* god is being tacitly recast as a noble Roman: if magistrates pronounced judgment from a dais or *sella*, if a great man at home received the *salutatio* framed by his *atrium*, then naturally a god would do something similar, speaking *superiore e loco.*

The theme of the nobility of the gods also underlies other, less overt rhetorical maneuvers. When Crassus left for his ill-fated Parthian expedition, he was supposed to have ignored an omen on the docks in Brundisium: a fig-seller yelling *Cauneas [ficos uendo]* "[I'm selling figs] from Caunea"; *Cauneas* just so happens to match the pronunciation of *caue ne eas* "don't go!"[21] M. ridicules the omen savagely. If we have to worry about fig-sellers, then we'll have to look for meaning every time we sneeze, or trip, or break a shoelace! (*pedis offensio nobis et abruptio corrigiae et sternumenta erunt obseruanda*, 2.84). This *reductio ad absurdum* gives M. the opportunity to play against another ideological, rather than philosophical, principle: the idea that divine messages should only come from authorized venues. That was an important principle of Roman religious practice. The existence of specially appointed augurs, who circumscribed a *templum*, and the confinement of the right to take the omens only to certain office-holders, constituted a way of limiting the myriad possibilities for something as semiotically vague as omens by authorizing for them one limited—and socially homogeneous—body of interpreters.[22] Even

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[20]Isid. *Etym.* 8.9.34–35; for a collection of other significant passages pertaining to Tages, cf. Pease (1920–23: 435–37 *ad* 2.50).

[21]*cauē* > *cauĕ* by iambic shortening (cf. Quint. 1.6.21, who attests *auĕ* as a pronunciation for *auē*) and *nē eās* > *neās* by the familiar rules of elision; *caue-neās*> *cau-neās* by vowel weakening and/or syncopation, viz. *caue-neās* > *cauineās* > *cauneās*, something like *balineum* > *balneum, calidus* > *caldus.* The effect of the omen can be represented by imagining a peanut vendor bawling "Nuts to go!" viz. "[Get your] nuts to go!" but also theoretically "[You're] nuts to go!"

[22]Cicero refers to this idea by way of complementing the priests who heard his oration *de Domo sua*: *cum multa diuinitus, pontifices, a maioribus nostris inuenta atque instituta*

omina oblativa, omens that imposed themselves without an observer's request, if they concerned matters of state, had to pass through the senate before they were permitted to have any meaning, like a child that was no child until picked up by its father. M.'s rejection of the story of the fig-seller does not critique the idea that everyday events may have hidden meaning. But that possibility allows the gods to communicate anywhere, at any time, to anyone, and not only to the duly credentialed nobles. M. has committed a sly rhetorical maneuver to get this point across, for Crassus *was* opposed by properly authorized personnel. He had been presented with a variety of omens delivered through official venues, and was even the recipient of a curse by a tribune as he crossed the *pomerium*.[23] These omens are all cited by Q. in his version of the story (1.29–30), which does not mention the *cauneas* incident.[24] M. conveniently manipulates the *exemplum*, omitting contrary evidence, for his own ideological purposes.[25]

In short, by his rhetorical flourishes or maneuvering, M. tries to make the gods that Q.'s arguments may be thought to imply very unlike the gods a Roman noble might be expected to worship; indeed M. implies that the gods should be conceived of as something like celestial projections of the social elite. Of the same stripe is M.'s continual insinuation that belief in divination is associated

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sunt, tum nihil praeclarius quam quod eosdem et religionibus deorum immortalium et summae rei publicae praeesse uoluerunt, ut amplissimi et clarissimi ciues rem publicam bene gerendo religiones, religiones sapienter interpretando rem publicam conseruarent ("Among the institutions our elders established with divine guidance, priests, none is more remarkable than their desire that the same parties preside over worship over the immortal gods and over the highest levels of government, so that the most eminent and distinguished citizens could preserve religion by governing the state well, and preserve the state by interpreting religious issues wisely," Cic. *Dom.* 1). On the composition of the priestly class, cf. Wissowa 479–501.

[23]The tribune was Ateius Capito (App. *BC* 2.18, Plu. *Crass.* 16). Crassus also received *obnuntationes*, which he ignored: [sc. οἱ δήμαρχοι] διοσημίας τινὰς καὶ τέρατα διεθρόουν, D.C. 39.39. For a discussion of this incident, and a comparison of the treatments of Dio Cassius 39.32 and 39, Plutarch, and Cicero, cf. Bayet. The expedition ended in unmitigated disaster at the battle of Carrhae in 53, with some 20,000 dead, 10,000 captured, and the loss of the military standards.

[24]Pease 1920–23 suggests that Q.'s summary (*signo obiecto monuit Crassum quid euenturum esset nisi cauisset*, 1.30) refers to the incident obliquely by way of *cauisset*.

[25]Pease *ad* 1.137.2 suggests M. may have glossed over Ateius' curse because Ateius, and his colleague P. Aquilius Gallus, generally supported the optimates. There is merit in Pease's argument, since, as we will see, it is indeed one of Cicero's purposes to emphasize the importance of the senatorial control of religion.

with social inferiors, unworthy of the better sort.[26] "Skepticism" and "fideism" are thus made to overlay "nobility" and "ignobility," with M. implying that he is the defender of the former and Q. the willing consort of the latter. M.'s insinuations are, in fact, not entirely fair: Q. in his peroration had tried to distinguish between real diviners and quacks (1.132), excluding, for example, Marsian augurs and the dream interpreters who worked in Isis' temple.[27] But if M. has overstated his case, so, in M.'s view, has Q.: the mechanisms that Q. proposes in order to explain accepted rituals can also legitimate vulgar practices. This is the very sort of tension that, as we will see, the text dialectically resolves.

II: Foreign vs. Roman

The polarity between noble and vulgar is matched by another polarity, which is also brought out by the rhetorical form of the two debaters. Divination was not, of course, a practice confined to the Romans; but the many possible *exempla* of divinatory practices from non-Roman cultures are handled very differently by M. and Q. Q. is open to them, a note he sounds at the outset of his argument: "I am not offering anything new or particular to my own thinking; I am merely following an opinion that is not only very old, but also assented to by all peoples and nations."[28] And Q. does indeed cite from a host of nations and peoples. A peculiarity of his treatment, however, is notable. Q. often makes Roman practice equivalent, or even inferior, to foreign practice. Says Q.:

> auspicia uero uestra quam constant! quae quidem nunc a Romanis auguribus ignorantur (bona hoc tua uenia dixerim), a Cilicibus, Pamphyliis, Pisidis, Lyciis tenentur. (1.25)

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[26]For examples of divinatory practices associated with social inferiors in *de Divionatione,* cf. 2.86 (no *magistratus* or *uir inlustrior* uses *sortes*); 2.113 (some mantic utterances are "mere chatterings" that no average man would believe, let alone a*prudens* man); 2.129–30 (if dream interpretation is possible, it must be provided by a person *et ingenio praestanti et eruditione perfecta* and not the current crop of soothsayers, who are *ex leuissimo et indoctissimo genere*). Cf. 2.110, where M. asks why the *insanus* should see what the *sapiens* does not. The most prominent pattern is the stereotyping of *anus* "old women" as ignorant and credulous, cleaving to *anilis superstitio,* e.g., *anile sane et plenum superstitionis fati nomen ipsum,* 2.19; cf. 1.7, 2.36, 2.125, 2.145; *N.D.* 1.18, 1.94, 2.70, 2.73, 3.92; *Dom.* 103.

[27]Cf. also the poetic quotation in n. 46.

[28]*nihil equidem noui, nec quod praeter ceteros ipse sentiam; nam cum antiquissimam sententiam tum omnium populorum et gentium consensu comprobatam sequor*, 1.11; see also below on the *locus de consensu gentium.*

> The auspices you augurs[29] take make good sense (*constant*)! Still, if you will forgive me for saying so, they are now no longer understood by Roman augurs, though the practice is maintained among the Cilicians, Pamphylians, Pisidae, and Lycians.

Deiotarus is praised for practicing authentic augury (*ille mihi uidetur uere augurari*, 1.27), whereas current Roman practice, which relies on observing the feeding of captive chickens, is corrupt (1.27–28). Among the Persians the priestly tribe, or *magi*, meet regularly, as the Roman augural college used to do on the Nones (1.90).

Doubtless Cicero has only followed his Stoic or other source(s) in introducing examples from foreign cultures;[30] but the *imitatio* might well have acquired new flavor in the Roman context. Roman ideology stressed the uniqueness of Roman religiosity,[31] an idea to which Cicero appeals in *de Haruspicum Responso*:

> quam uolumus licet, patres conscripti, ipsi nos amemus, tamen nec numero Hispanos nec robore Gallos nec calliditate Poenos nec artibus Graecos nec denique hoc ipso huius gentis ac terrae domestico natiuoque sensu Italos ipsos ac Latinos, sed pietate ac religione atque hac una sapientia, quod deorum numine omnia regi gubernarique perspeximus, omnis gentis nationesque superauimus. (*Har.* 19)
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> However much we may love ourselves, senators, still we are not more numerous than the Spaniards, nor stronger than the Gauls; not more clever than the Carthaginians, nor more skilled than the Greeks; indeed we are not even better off than the Itali or Latini in the inborn good sense of this land and nation. Nonetheless in piety and religiosity, and in the wisdom to have seen that the universe is under the rule of the gods, we outstrip all peoples and nations.[32]

In the light of such ideology Q.'s arguments must have seemed at the least somewhat strained, deliberately suppressing conventional moral differences between Romans and others. Indeed Cicero has fashioned Q.'s rhetorical

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[29]Cicero was selected as an augur in 53 or 52; cf. Linderski 1972. Q. uses the fact of M.'s augurate against him, much as he uses his poetry: *quid de auguribus loquar? tuae partes sunt, tuum, inquam, auspiciorum patrocinium debet esse*, 1.105.

[30]As Rawson 1985: 299 points out, "in the Greek world, especially since Alexander, the religions of Persia, Babylonia and Egypt had exercised considerable attraction on intellectuals."

[31]For references see Pease 1954 *ad* 3.6 *fundamenta iecisse*, and cf. Plb. 6.56.6–8.

[32]Cf. *N.D.* 2.8, 3.5.

handling of foreign *exempla* as if Q. were anticipating such criticism. Acknowledging that evidence from foreign cultures may be rejected, Q. challenges, "The barbarous nations are useless and deceptive? Very well then: does Greek history also lie?" (*age, barbari uani atque fallaces; num etiam Graiorum historia mentita est?*, 1.37). In the course of a discussion about dreams, Q. cites (off the point)[33] the example of the Indian sage Callanus, a retainer of Alexander (Arr. *An.* 7.3.2), who prophesied, before being burned alive, that Alexander would himself shortly die, as he did. He introduces the example by asserting "even the barbarous nations have a certain presentient and divinatory quality" (*est profecto quiddam etiam in barbaris gentibus praesentiens atque diuinans*, 1.47), as if theirs was just a poorer version of a superior quality found farther west. In another passage, having enumerated instances of divination from ancient Greece, Q. asserts that the practice of divination "has not been neglected even among the barbarous nations" (*ne in barbaris quidem gentibus neglecta est*, 1.90), as if it was a virtue surprising to find among the less sophisticated, rather than a naive practice that has persisted in sophisticated cultures. In the subsequent list of examples (1.90–92), Q. takes pains to connect foreign practices to Roman society any way he can: among the Druids is Diviaticus, Cicero's "friend and supporter" (*hospes* and *laudator*); the senate decree that ordered ten noble youth (*de principum filiis x*)[34] to study Etruscan haruspicy was made "in the days when the Empire was sound" (*tum cum florebat imperium*), as if those olden days, which Caesar's dominate, during which most of the dialogue was written, had made more desirable, had also been wiser.[35] The two Elean augural families that Q. mentions in this passage, the Iamidae and the Clytidae, are described as *haruspicinae nobilitate praestantes* "outstanding in the nobility of their haruspicine," a phrase doubtless meant to

[33]As Pease 1920–23 *ad loc*. (following Schiche 1875: 17) observes, the incident belongs in 1.65, where the point is being made that the approach of death brings clearer vision (cf. 1.63), and where Callanus is indeed mentioned: *ex quo et illud est Callani de quo ante dixi*.

[34]Cf. *Leg.* 2.21, *Etruria principes disciplinam doceto.*

[35]On the date of the *de Divinatione*, cf. Pease 1920–23: 13–15, after Durand 173–83; Giomini ix. Durand argues that Cicero wrote the *de Divinatione* between January and 15 March 44, with some slight additions after Caesar's death, which is referred to in 1.119. Falconer prefers a somewhat later date, with the composition of Book 2 falling after the Ides of March 44. See discussion in Timpanaro lxvi–lxxiii, with his comments on the prologues to the two books (lxxi–lxxii).

recall the Etruscan haruspices, an official part of Roman politico-religious ceremonial—and typically a source of conservative oracles.[36]

M., by contrast, rejects foreignness. Mainly this is due to the nature of argument, which moves forward with "logic" (*ratio*) and does not rely on anecdotes. However, chauvinism sometimes comes to the fore. He closes his treatment of auspices (2.70–83) with the assertion that a philosopher concerned with augury should determine its character (*natura*), origin (*inuentio*), and consistency (*constantia*) and argues that its *inuentio* is difficult to establish:

> quo modo autem haec aut quando aut a quibus inuenta esse dicemus? Etrusci tamen habent exaratum puerum auctorem disciplinae suae; nos quem? Attumne Navium? at aliquot annis antiquior Romulus et Remus, ambo augures, ut accepimus. an Pisidarum aut Cilicum aut Phrygum ista inuenta dicemus? placet igitur humanitatis expertis habere diuinitatis auctores? (2.80)
>
> How and when and by whom can we say divination was discovered? The Etruscans have as the founder of their discipline a boy ploughed up from the earth; whom do we have? Attus Naevius? Romulus and Remus are somewhat earlier, and both of them were augurs, according to tradition. Or should we say that divination is the discovery of the Pisidae, or the Cilicians, or the Phrygians? Are we willing to attribute the discovery of divination to uncultured nations?

The difficulty of finding a Roman *auctor* for divination illustrates that divinatory practices do not form a single, coherent institution. The possibility that divination has foreign *auctores*, on the other hand, is made to seem like an impossibility by M.'s subtle change in the terms of the question: he modulates the polarity from one of "Romanness" vs. "foreignness" to one of "exclusivity" vs. "vulgarity." The putative founders of divination are conspicuously lacking in *humanitas* "culture, humanity, civilization," a keyword for late Republican elite self-definition.[37] M. invokes a specifically Roman superiority in a similar way in another place:

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[36]Cf. Rawson 1978: 140–46 and n. 29; Lenaghan 35. The language of the Sibylline books seems to have characterized enemies of the *patres* or *principes* with hostility; cf. *Har*. 35. Livy's Postumius includes the *haruspices* among forces on the side of good religion: *hac uos religione* [= religious practices encouraging immorality] *innumerabilia decreta pontificum, senatus consulta, haruspicum denique responsa liberant*, 39.16.7.

[37]See Hellegouarc'h 267–71. The modulation of "foreign" into "vulgar" enables M. to add the point (2.81) that the Stoics, to whose arguments Q. is largely indebted, were themselves notoriously stringent about accepting common opinion, which brings us back to our first polarity of "noble" vs. "ignoble."

> difficilis auguri locus ad contra dicendum. Marso fortasse, sed Romano facillumus. non enim sumus ii nos augures qui auium reliquorumue signorum obseruatione futura dicamus. (2.70)
>
> You say it's hard for an augur to attack augury? For a Marsian augur maybe, but it's very easy for a Roman one. We're not the sort of augurs who predict the future by watching birds and other sorts of signs.

M. stresses the strictly approbative, rather than predictive, role of Roman augurs not by explaining that role as such but by holding up in contrast the augural practice of a less sophisticated Italic people.[38] In short, the handling of *exempla* from foreign cultures also polarizes M. and Q. While Q. is open to them, M. generally ignores them; but when he does attack foreigners or foreign practices as such, he suggests that he is the defender of true Roman identity. But he also fails to grapple with the fact that the practices that Q. cites do indeed have apparent analogues in Roman culture.

III: Ecphrasis vs. Didaxis

M.'s and Q.'s different approaches to handling foreign cultures can be considered a species of a broader issue, namely where authority lies in the construction of an argument. Whereas M. relies on *ratio* as much as he can, with occasional recourse to elitism, Q. is open to authority of many kinds, not only that of foreign cultures but also, for example, that of weighty names, as in several passages.[39] The question of what constitutes valid authority is at the

[38]M.'s view that augurs do not predict is based on the theory that the augural sign only signaled divine approval or disapproval for the pending or contemplated action. That was not the only view: a negative augural sign could be taken as actually portending disaster, as held by A. Claudius and by Cicero in *de Legibus* (2.21); cf. Linderski 1982: 31. The Marsians seem to have had particularly credulous augurs (cf. Pease *ad* 1.105 *Soranum*), as Quintus himself admits (*non habeo denique nauci Marsum augurem*, 1.132). For other examples of hostility to foreigners, cf. 2.75, where it is asked, of the gods, "Why would they have given [the science of interpreting divine signs] to the Etruscans, instead of the Romans?" (*cur enim Tuscis potius quam Romanis darent?*); 2.114, where a Greek rower's prediction of defeat at Coponium is presented as only the ejaculation of a fear that men with *constantia* kept to themselves.

[39]E.g., *Ponticus Heraclides, doctus uir, auditor et discipulus Platonis*, 1.46; *Xenophon, qui uir et quantus*, 1.52. Cf. 1.53, 1.62. M., by contrast, is much less inclined to anchor his points in authority alone. Even when he cites authority, it is only to buttress what can be proved independently: in rejecting Chaldaean astrology, M. cites the support of Plato's disciple Eudoxus (2.87) and Scylax of Halicarnassus (2.88), but then says

heart of another difference in the rhetorical strategies of M. and Q., their use of poetry. Poetry is cited by both M. and Q. in connection with the various points they make, but there are some significant differences. Q. cites much more poetry than M., quoting some two hundred and twenty lines, whereas M. quotes only fifty-odd lines. Not only does Q. quote four times more poetry than M., and more frequently *in extenso*, but M. and Q. use poetry in different ways, which is of course what really matters. With one exception, M. quotes bits and pieces, virtually in passing, and generally to anchor already established points. The passages that M. quotes to show the inconsistencies of augural practice, for example, in which both right and left were lucky, happen to be from poetic texts (2.82), as do an explanation for the cock's crow (2.57) and an Aeschylean definition of fate (2.25). Several quotes are pressed into service as aphorisms, without regard to the character or context of the original play.[40] The odd quote may serve sarcastic or ironic purposes.[41] The only *in extenso* passage, a rendering of Homer (2.63–64)—which M. pointedly says he produced "at leisure" (*ut nos otiosi conuertimus*)—is used to expose to ridicule the practices of the seer Calchas (mentioned by Q. at 1.72). In short, poetry is in no way central to M.'s argument.

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immediately *sed ut ratione utamur omissis testibus...* ("but let's argue rationally and disregard the witnesses") and goes on to critique the claims of the Chaldaean astrology.

[40]E.g., Enn. *trag.* 187 = *Div.* 2.30, Enn. *trag.* 270–71 = *Div.* 2.104.

[41]For example, having established that divination lacks its own *materia*, M. quotes sarcastically a translation of an originally Greek proverb: *bene qui coniciet, uatem hunc perhibebo optumum* ("I say the best seer is the best guesser," 2.12), a rendering of μάντις δ᾽ ἄριστος ὅστις εἰκάζει καλῶς, E. fr. 973 Nauck. Cf. Enn. *Ann.* 6.167 = *Div.* 2.116. One of M.'s poetic quotations deserves special notice. At 2.115, midway through his discussion of *furor* or mantic inspiration (2.101–18), M. turns his attention to the Delphic oracle, which he introduces with the following lines: *o sancte Apollo, qui umbilicum certum terrarum obsides | unde superstitiosa primum saeua euasit uox fera* ("O holy Apollo, who frequents the sure navel of the earth, whence first came the fierce harsh clairvoyant voice," *frag. Rom. scen. incert.* 19–20 Ribbeck; the first line is also quoted by Varro, with v.l. *optines*, *L.* 7.17). In the original quotation, out of the context of *de Divinatione*, *saeua* and *fera* recall the strains on the seer of mantic inspiration and the chthonic character of the Delphic oracle, and *superstitiosa* has its old sense "clairvoyant" (as in *superstitiosis hariolationibus*, Enn. *trag.* 35, quoted at 1.66; cf. Gulick 238, Benveniste *apud* Janssen 145–47). However, in the mouth of a speaker putting forth an ideal of a noble and graceful divinity, *saeua* and *fera* become ironic vilification, and *superstitiosa* looks to its contemporary meaning "superstitious," the opposite of true *religio* (cf. 2.148–49 below).

The same is not true of Q. While Q. sometimes uses poetry in the same way as M., Q. also occasionally quotes poetic passages at length for their evidentiary value. To illustrate that prophetic dreams really happen, Q. cites not only a number of dreams recorded in history, such as the dreams of Hannibal (1.48–49) and C. Gracchus (1.56), but also literary representations of such dreams: from Ennius he takes two dreams, one of Ilia, in which she sees Mars, and one of Priam, in which he sees a torch born to Hecuba (1.40–42), and from Accius he takes a dream of Tarquinius Superbus in which he is attacked by a ram and sees the sun's course altered (1.44–45). The existence of a natural prophetic ability housed in the soul, which in extreme agitation precipitates the state of *furor* (= μανία), is illustrated by Q. with a description of Cassandra taken from Ennius (1.66). Among the *exempla* cited to prove that divination is used among "all the best nations" (1.95) is a portent received by Marius, related by Cicero in the poem named for him (1.106).

M. attacks Q.'s use of such passages in the obvious way, accusing him in several places of using "fictitious" (*commenticius, falsus, fictus*) evidence, for example:

> num igitur me cogis etiam fabulis credere? quae delectationis habeant quantum uoles, uerbis sententiis numeris cantibus adiuuentur; auctoritatem quidem nullam debemus nec fidem commenticiis rebus adiungere. (2.113)
>
> Surely you're not asking me to believe stories? However enjoyable they may be, however delightful in their vocabulary, sentiments, meter, and melody, we ought to grant no authority, and no credibility whatever, to what is fictitious.[42]

But that is an objection that Q. had anticipated and tried to meet. In several passages Q. defends his use of poetry, saying that, although the poetry may be fictive, it is worth quoting because of its verisimilitude. For example, he asserts that "even if [these examples] are made up by a poet, nonetheless they resemble what customarily happens in dreams."[43] This curious defense illustrates Q.'s intellectual bent. If the phenomena Q. intends to describe are real, why not just use the already abundant historical *exempla* available to him, since he plainly knew them, since he already sensed he had a weak point, and especially since he was arguing with an Academic who was certain to dismiss the poetic passages?

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[42]Cf. 2.22, 2.27, 2.80, 2.136.

[43]*etiamsi ficta sunt a poeta, non absunt tamen a consuetudine somniorum*, 1.42. Cf. 1.33, 1.40, 1.43, 1.68.

Since the strength of Q.'s argument is not its cogency but its multiplication of examples (as I will discuss presently), it is to Q.'s advantage, as Cicero doubtless sensed in crafting his character, to appeal to the sanction apparently offered by esteemed historical personages and by revered, or at any rate well-known, literary works. Q. has reverence for the past, of which antique literature forms a part. Put another way, an argument that depends on "the rhetoric of anecdote," in Schofield's phrase, must use any and every anecdote it can; so much the better if they are well-known or admired. But a more important reason for Q.'s use of poetry is, I suggest, Cicero's desire to create another polarity between M. and Q. by casting Q.'s interpretive position into sharp relief: Q. understands poetry descriptively and not morally, as *ecphrasis*, one might say, and not as *didaxis*. Explicit attention to Q.'s interpretive bent is drawn in a passage I have mentioned above, in which Cassandra receives a vision of a torch:

> 'HECUBA. Why do you so suddenly seem to rave with fiery eyes?
> where your maiden's modesty, that was sober moments ago?
>
> CASSANDRA. O mother, woman by far better than the best of women,
> I am given over to ecstatic prophecy,
> for Apollo prods me against my will
> to madness with doom to declare.
> I shun my maiden peers, my father feels shame for my deeds,
> excellent man; o mother mine, I am grieved for you, disgusted with myself.
> The children you have borne to Priam are splendid,
> save for me; this my grief.
> O that I should hinder, they should help,
> That they accede and I impede!'
>
> What a tender (*tener*) and realistic (*moratus*) and delicate (*mollis*) poem! But this is not strictly to the point; the poem goes on to describe what I'm discussing, that madness has the capacity to prophesy truth.
>
> 'There, there a torch bedecked
> in blood and conflagration!
> Many years it has lain hid;
> Citizens, help! Snuff it out!'
>
> It's the god enclosed in human flesh that speaks now, not Cassandra.
>
> 'And now on the high seas a swift fleet
> is built, sweeps a swarm of destruction,
> it will come, the fierce force will flood the shores
> with sail-swollen ships.' (*Div.* 1.66–67)

As Q. himself admits, the earlier part of the quotation was unnecessary (*hoc minus ad rem*), but its inclusion and Q.'s comments on it are, I suggest, meant by Cicero to lay bare Q.'s hermeneutic. *Tener* "delicate" and *mollis* "soft" are both terms of the neoteric aesthetic,[44] an aesthetic in full flower by the date of this dialogue (44 B.C.E.). They are terms appropriate here not to Ennius' style, which is distinctly old-fashioned, but to the vivid description of psychic distress, which was of interest to neoteric poets, as will be familiar from Catullus c. 64. That interest in description is expressed also in *moratum*, "realistic" or "convincingly drawn" (i.e., "exhibiting [the appropriate] *mores*").[45] Q., in short, is depicted as being interested in Ennius' description not because it depicts a prophetic dream accurately, but because it suits his own pre-existing taste. That illustrates the corruption of his claim to be using poetry merely to exemplify events that actually happen: it may be, rather, because he is already inclined to be engaged by certain types of poetic expression that he is likely to believe reports of divination, rather as a lover of Celtic myth might be more likely to see paludal luminescence as a will-o'-the-wisp.

More to the point, Q. apparently does not see that, however descriptively accurate or artistically compelling it may be, the passage that he praises has grave social implications. Q. embraces, here as elsewhere, a kind of divinatory experience that was well outside official Roman divination, which distrusted ecstatic experiences as means of access to the divine will—the suppression of the cult of Bacchus in 186 B.C.E. being the most well-known example. Furthermore Cassandra describes her experience of inspiration in terms of the negation of her social ties: bonds to peers, father, and mother—and a particularly noble mother at that—are severed or damaged, her maiden's modesty (*uirginalis modestia*) cast aside. The passage thus serves as a symbol for the social repercussions of solitary madness. Μανία might be real but it also has a price; descriptions of μανία might be accurate but they also have implications. Q., enthralled by the aesthetics of the passage, fails to grasp its

[44]For *tener* as "neoteric poet," cf. Buchheit 48–50. *Mollis* as a literary-critical term usually seems to imply the absence of vehemence (so of Xenophon, Cic. *Brut.* 35) and often eroticism (e.g., Cat. 16.4, Ov. *Tr.* 3.207) and does not seem quite appropriate to the passage cited.

[45]Cf. Ps.-Acro *ad* Hor. *Ep.* 2.3.319–20, where *moratum* = that whereby *mores singularum personarum optime exprimuntur*. Pease *ad loc.* cites Cic. *Top.* 97: *itemque narrationes ut ad suos fines spectent, id est ut planae sint, ut breues ut euidentes ut credibiles ut moratae ut cum dignitate*.

social implications.[46] The polarity of *ecphrasis* versus *didaxis*, it seems to me, is less evenly matched than the others; and as we will see, of all Q.'s positions, his understanding of symbolic forms is most at odds with the dialectical solution to the tensions of the dialogue.

IV: Ratio vs. Exempla

Leaving aside the *ornamenta* of single passages, let us consider one last aspect of the rhetorical form of the dialogue, the *distributio* or structure of the two books. In this respect, the two books stand in very clear contrast. M.'s argument, which claims to depend on *ratio*,[47] does indeed proceed with clarity. M. makes three connected opening points: that the subject matter of divination is pure chance (§ 9–14); that purely chance events are unpredictable (§ 15-18); and that fate and predictability are incompatible ideas (§ 19–25). The rest of his argument attacks kinds of divination one by one. M. starts with an attack on "artificial" (= τεχνικός) divination, that is, divination that depends "partly on conjecture and partly on long observation" (2.26)—extispicy (2.28–41), fulgural interpretation (2.42–49), portents (2.49–50, 54–69), auspices (2.70–84), lots (2.85–87), and astrology (2.87–99). The second phase of his assault, which moves, he says, *quasi ab alio principio* (2.101), is an attack on "natural" (= ἄτεχνος καὶ ἀδίδακτος) divination, or divination made possible by the soul's contact with the divine (cf. 2.26), consisting of "divine madness" (2.101–18) and dreams (2.119–48).

By contrast Q.'s argument is highly disorganized. This structure can be partly explained by referring to the several sources from which Cicero seems to have stitched the book together.[48] But there is more to Q.'s peregrinations than

[46]It is worth noting that Q. also quotes inappropriate poetry in his peroration (1.132): to emphasize his support only of that divination that proceeds from *ars* and *scientia*, he quotes a passage of Ennius *trag.* fr. 267–70 that condemns "prophetic seers and impudent soothsayers, | or the lazy, or the mad, or those driven by need, | who can't find their own path [but] show others the way; | they promise riches and ask for a drachma. | Let them take a drachma from those riches, and give over the rest." As Pease 337 *ad loc*. points out, the middle line "well expresses the Epicurean disbelief of Ennius but accords somewhat ill with the Stoic theories of inspiration. The same objection will also apply to the word *insani* in the preceding line, for *furor* is of the very nature of prophecy, as has repeatedly been asserted in this book."

[47]Cf., e.g., 2.27, 2.89.

[48]The alternation of Greek and Roman *exempla* (cf. 1.48–59, 72–78, 87–92, 95–108), for example, suggests alternating sources, and Cicero drew or probably drew on works as disparate as Coelius Antipater, who evidently included a digression on prophetic dreams in his treatment of the Second Punic War (cf. *N.D.* 2.8); a work of Chrysippus on

can be explained away by *Quellenforschung*. Although not orderly, the whole book nonetheless has a kind of intellectual rhythm that is amenable to rhetorical analysis, and that may have even guided Cicero's selection and arrangement of source materials. The structure of the book, in short, can be read like a kind of speech.[49] After an introductory assertion, a kind of *exordium*, in which he states that divination exists, Quintus moves on to four basic points, which might be called the *divisio* of his argument: (A) the antiquity of divinatory practice; (B) the universality of divinatory practice; (C) the division of divination into natural and artificial; and (D) the importance of observing effect, rather than cause. The "speech" goes on to support these points, not exactly in that order, by what might be called *confirmationes.* First the principle of (D) is established by examples of medicinal plants, weather signs, and other phenomena (1.13–25); then the principles of (B) and (A) are illustrated *per speciem* through examples connected with augury. 1.34–59 expand (C), with further examples specifically of artless divination, and 1.63–71 add a *confirmatio*, interspersed with *exempla.* 1.72–78 return to (C), this time considering artful divination, and then in 1.79–83 a *confirmatio* is added. 1.84–92 recall (A), (B), and (D), but assert, rather than argue, and resort to the moral authority of *exempla*; they might be classed, not very satisfactorily, as a recapitulation of the *divisio.* 1.93–124 offer further *confirmationes*, 1.93–94 and 109 dealing with artificial, and 1.110–24 with natural, divination, with an aside from 1.95–108 asserting that divination is used in "all the best nations" (a version of B). 1.124–32 constitute a *peroratio* of a kind, introducing the *auctoritas* of Posidonius, and closing, anticlimactically, with the rejection of certain lesser modes of divination.

Looking at the structure of the first book as if it were a speech leads to two important results. One of the points Q. makes in his pseudo-*divisio* is that there

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dreams (cf. 1.6, 1.39, 2.144); Posidonius' περὶ μαντικῆς (cf. 1.60–66, 1.118); and Sisenna (cf. 1.99, 2.54), to name only a few. Timpanaro suggests the disorganization of Q.'s argument was intended by Cicero to represent "un 'personaggio' non troppo dissimile da quel che Quinto fue nella realtà" (lxxxiv).

[49]This section depends heavily on the observations of Schofield. S. offers the following divisions for Q.'s argument, with which my own are not incompatible: §§9–11 Introduction to Q.'s argument; §§11–33 *Artificiosa divinatio*; §§34–71 *Naturalis divinatio*; §§72–79 *Artificiosa divinatio* again—cases of *ex tempore coniectura*; §§79–109 General arguments for divination (*vis divina* [§§79–81], Stoic argument [§§82–3], rebuttal of scepticism [§§84–87, 109], appeal to history, esp. Roman augury [§§87–108]); §§110–17 *Naturalis divinatio*—philosophical explanations; §§118–31 General philosophical rationale of divination; §132 Conclusion. The warning of Schofield 52 is salutary: "[A]ny table of contents drawn up for Book 1 would be a fairly optimistic and arbitrary construct."

are two kinds of divination, natural and artificial (1.11); he twice returns to that distinction (1.34–35, 1.72), each time illustrating the distinction by collecting *exempla* that take in some thirty paragraphs (34–59 and 72–78). This is an abnormally large amount of space devoted to establishing "what is at issue," one of the functions of the *divisio* (*quid in controuersia sit*, *Rhet. Her.* 1.3, cf. Cic. *Inv.* 1.31). To state over and over again that a controversial descriptive category is valid because there are ostensibly many examples of it is *petitio principii*: if Q. did not assume the validity of his categories already, he could never have brought together the disparate examples he does. Put another way, only by multiplying examples can Q. claim to have proven the existence of the category into which the examples are grouped. In fact M. accuses Q. of "fighting with examples": *sed tamen cum explicare nihil posses, pugnasti commenticiorum exemplorum mirifica copia* (2.27). The rhythms of classical rhetorical form force Q.'s hand: he can describe "what is at issue" only by piling up *exempla.* That was, to be sure, part of the intellectual method of Stoic arguments for proving divination; but in this context the accumulation of *exempla* also becomes a kind of symbol for the cognitive habits of those who claim the existence of divination, revealing an imprecise, *a priori* enthrallment with various sorts of paranormal phenomena, which can be fitted into analytical categories only *a posteriori.*

A second point about the structure is more suggestive. Q. continually reasserts at different points in the argument three points stated in the *divisio*, which we might call the *locus de uetustate*, the *locus de consensu gentium*, and the *locus de ignorantia.* The first two *loci* (which sometimes shade into each other) justify the practice of various forms of divination by reference to their antiquity or ubiquity, respectively.[50] The *locus de ignorantia* is a reliance on claims of experience, a hesitance to judge impossible what cannot be empirically disproved, or an insistence on the validity of descriptive, rather than analytical, categories.[51] The frequent appearance of these *loci* throughout the first book makes them a kind of theme. A parallel to a delivered speech of Cicero is instructive.[52] The *pro Caelio* is also, by classical canons, a very disorganized

[50]**Locus de uetustate**, *quis est autem quem non moueat clarissimis monumentis testata consignataque antiquitas?*, 1.87; cf. 1.11, 1.12, 1.35, 1.36, 1.84, 1.86. **Locus de consensu gentium**: [*sententiam*] *omnium populorum et gentium consensu conprobatam sequor*, 1.11; cf. 1.12, 1.36, 1.46, 1.84, 1.95.

[51]E.g., *quarum quidem rerum euenta magis arbitror quam causas oportere*, 1.12; 1.13, 1.14, 1.35, 1.85, 1.86, 1.109, 1.117, 1.127. M. replies to this *locus* with some hostility: *quasi ego aut fieri concederem aut esset philosophi causam cur quidque fieret non quaerere!*, 2.46.

[52]Cf. Schofield 54, 65, who compares *de Divinatione* to *pro Caelio* and *pro Roscio Amerino.*

speech; it begins with a long *praemunitio*, deflecting various allegations directed against Caelius before turning at last, and then only briefly, to the real charges, then drifting off again into speculation and innuendo.[53] Two things hold this speech together. One we might call the *locus de humanitate*: the idea that the harshness of traditional morality is at odds with contemporary cultural practice, and that men who have sown their wild oats and sobered into serious citizens should not be reproached (§ 25, 28, 30, 39, 42, 43, 44, 48). Another is the theme of Clodia, who is hinted at from the very beginning (*opibus meretriciis*, 1; *libidinem muliebrem*, 2) and proceeds to appear as a number of "characters," such as the mad Medea (*Palatinam Medeam*, 18), the fallen member of the *gens Claudia* (33–34), the incestuous sister (36), the poisoning wicked wife (60), and the inept generalissima (*mulieraria manus*, 65; *ab imperatrice*, 67). These themes are intended to cause the judges to switch frames of reference: to relinquish an unfriendly view of Caelius by being encouraged to be kindly and even patronizing to youth—to play Micio rather than Demea—and to direct their attention not to orderly arguments against the actual criminal charges as such (which are virtually ignored) but beyond them to the possibility that the charges were motivated by personal hatreds, namely those of the versatile, but always wicked, Clodia. The structure, such as it is, is also liberally sprinkled with entertaining scenes and asides not unlike the *exempla* and bits of poetry that pepper Q.'s argument.

I suggest that Cicero has deliberately constructed for Q. a "speech" after the manner of—or perhaps better said, written an argument with the intellectual rhythm of—such speeches as the *pro Caelio*: unable to produce rigorous proof, for which he substitutes a multiplication of examples, Q. again and again turns to three themes, fallibility, universality, and antiquity, and intersperses his claims with vivid asides, literary and patriotic, to anchor his argument. In short, the structure of Book 1 resembles, broadly speaking, the structure of a speech where Cicero also was trying to distract hearers' attention from the main issue and change their frames of reference. That, I suggest, is, like the other aspects of the rhetorical structure we have so far surveyed, also meant to illustrate the implications of the positions of M. and Q.: where M.'s skepticism admits of rigor and rejects anecdote, Q.'s fideism appears to embrace anecdote at the price of cogency. This is not to say that Cicero intended to present Q.'s as the weaker argument: such "speeches" can be effective, as *pro Caelio* itself was, if the *loci* really do displace other issues in the minds of the audience. Furthermore, M.'s own argument, as we saw in the first section, depends at crucial junctures on sensibility, rather than on the *ratio* it trumpets.

[53]See the commentary of Austin.

The Normative Semiotics of Religious Symbols (I): the "Noble Lie"

To sum up to this point, we have surveyed four aspects of the rhetorical form of *de Divinatione*: the dependence of various rhetorical maneuvers on class-specific conceptions of divinity; the use of poetry; the handling of *exempla* from foreign cultures; and overall structure. Others might be described, but these are sufficient to move the argument to the next stage. I have been suggesting that these aspects of the rhetorical form of the dialogue were sensitively selected by Cicero with an eye to the implications of the positions of M. and Q. In the construction of the dialogue, believing, with Q., that the gods are actually present in divinatory events or acts, is tied to a belief in ignoble and not distinctively Roman gods; indiscriminate deference to foreign practice; a naive ecphrastic poetics; and a propensity to accumulate examples under dubious and imprecise rubrics. Believing, with M., that the gods are not present in divinatory events or acts is tied to a distinctly noble vision of the gods; respect for distinctively Roman cultural practices; the preservation (or at any rate the pretence) of intellectual cogency; and, apparently (at least to judge *e contrario* from Q.'s failing), a didactic poetics aware of the cultural implications of symbolic forms.

To that extent it might seem like the dialogue is weighted in favor of M., the organized defender of nobility and Romanness, against Q.'s disordered and nostalgic piety. But in fact the arguments on both sides leave their proponents in peculiar, and ultimately undesirable, positions. Though invoking a particularly Roman and class-based view of the gods, M. is at least indifferent and sometimes hostile to the venerable warrants of the past: Romulus may have believed augury really worked but *errabat…multis in rebus antiquitas* "antiquity was wrong on many points" (2.70). M. leaves with no intellectually defensible basis the divinatory events and practices that were, after all, a central part of Roman civic and religious ritual and figured importantly in Roman historical myth.[54] He protects Roman identity at the expense of Roman history. Q., the one who attempts to save Roman ritual and myth, ends up, paradoxically, by

[54]Schofield 53: "...[in Book 1] the suggestion is insinuated that when Rome was properly governed by a strong senate, divination was taken more seriously and the security of the state was consequently better assured...: if Rome has become negligent and cynical about observing the auspices, so much the worse for Rome. The implication and the suggestion are not pressed hard. Even so, no reader could avoid concluding that to reject divination is according to Book 1 to reject something deep and important, and more especially something deep and important in the actual experience of the Roman people." M. himself enjoyed hearing the Roman *exempla: quod me maxime delectat, plurimis nostris exemplis usus es, et iis quidem claris et inlustribus*, 2.8.

sacrificing important Roman sensibilities, for example justifying divinatory practice by flirting with Druids and Chaldaeans; defending the principles underlying Roman divination by equating it to μανία or vulgar methods of divination; and foregoing cogency for a fideism that is at times not far from credulity. Q. saves Roman history at the expense of Roman identity.

In short, the way Cicero has fitted out and arranged the two sides of the argument prevents either pure fideism or pure skepticism from providing an adequate frame for understanding Roman religious practice. That is a very important effect: thereby Cicero has implicitly recapitulated—and enfeebled—the two positions that other contemporary work on divination typically held.[55] Cicero, I suggest, does not leave off at this impasse, but takes the argument a stage further. The logic—or rather the rhetoric—of the argument does not, in theory, require the elimination of divinatory practice altogether. In principle, the rhetoric of the argument leaves open the possibility of practicing divination in a form or forms which satisfy the objections that can be raised against the extremes of fideism and skepticism: that would require a divination that was not, on the one hand, embedded in a system of belief, and did not, on the other, require rational assent, thus avoiding the perils of Q.'s enthusiasms and the rigors of M.'s skepticism, respectively. That bill could be filled by a divination

[55]Late Republican theological works are catalogued by Rawson 1985: 298–316. A skeptical view of divination was held by C. Claudius Marcellus, who composed a work on augury arguing that the auspices were purely practical in origin (*Div.* 2.75, *Leg.* 2.32). A fideistic view of divination was held by Ap. Claudius Pulcher, who dedicated a work on augury to Cicero (*Div.* 1.28; cf. *Leg.* 2.32, *Fam.* 3.4.1); by P. Nigidius Figulus, a Neopythagorean who wrote on many of the practices and beliefs treated in *de Divinatione*, including private augury (Gel. 7.6.10), extispicine (Gel. 16.6.12), and dreams (Lydus *de Ost.* 45); and by A. Caecina, who wrote a work on the *disciplina Etrusca*, which he had learned from his father (Cic. *Fam.* 6.6.3), and who famously prophesied Cicero's return from exile (*Fam.* 6.6.2 and 7). Other late Republican works on divination were composed by L. Caesar (Macr. 1.16.29), who was an augur (3.13.11); by M. Valerius Messalla Rufus (*RE* 268), who composed a *de auspiciis* (Gel. 13.15.3); and by Veranius (Flaccus? *RE* 1), who composed *auspiciorum libri* and *pontificalium quaestionum libri*. Tarquitius Priscus translated Etruscan sacred books into Latin (*RE Tarquitius* 7). Beard stresses (46 and n. 63) that passionate advocacy is wrongly described as "traditionalism," but was itself part of a new cultural phenomenon, the "procl[amation of] a particular stance in relation to religious activity." Cicero himself also wrote a *de Auguriis*, which notably is not mentioned in *de Divinatione*: its omission is another refusal by Cicero, who also excludes from his presentation of M. his own poetic productions and augural status, to let his own *auctoritas* decide the issue.

that was purely formal and symbolic, and thereby detached from questions of belief and immune to the probes of skepticism.

It is to precisely that kind of divination that the text points. It does so, in my view, perfectly directly, but by the same token unobtrusively, presumably in part out of respect for the Academic habit of offering matched arguments *in utramque partem*, which is the principle cited at the dialogue's end: *nulla adhibita sua auctoritate iudicium audientium relinquere integrum ac liberum* (2.150). These gestures to the dialectal solution provided by a purely symbolic divination all come in more or less the same form: departures by M. from the purely partisan defense of skepticism to treat the real political life of the Roman state or the real political experiences of Cicero.[56] The first such instance comes after M.'s introductory remarks on divination as a whole (2.9–26), which he describes as "skirmishing" (*leuis armaturae*). M. then begins his "hand to hand" combat with an attack on haruspicine, but with an important proviso:

> ut ordiar ab haruspicina, quam ego rei publicae causa communisque religionis colendam censeo—sed soli sumus; licet uerum exquirere sine inuidia, mihi praesertim de plerisque dubitanti—inspiciamus, si placet, exta primum. (2.28)
>
> Let me begin from haruspicine, which I certainly believe should be practiced for the sake of the state (*res publica*) and shared ritual (*communis religio*)—but we're alone; it is possible, especially for me, an adherent of the Academics, to inquire into the truth without arousing bad will. So let's begin by examining entrails, if that's all right.[57]

Other passages reflect M.'s position that divination is a useful tool of social control:

> et tamen credo Romulum, qui urbem auspicato condidit, habuisse opinionem esse in prouidendis rebus augurandi scientiam (errabat enim multis in rebus antiquitas), quam uel usu iam uel doctrina uel uetustate immutatam uidemus; retinetur autem et ad opinionem uulgi

[56]This line of argument thus sees a genuine authorial voice detectable underneath the character of M. Beard 33–36 attempts to deny the existence of such a voice or "Ciceronian viewpoint"; were M. merely a minor character, as he is in *N.D.*, that might be so, but M.'s historical position as an augur and his public image via his poetry are not only present, but also specifically emphasized; cf. Schofield 56 (the "weak" defense of an authorial voice, to which my own view is closer), Momigliano 208 (the "strong" defense of an authorial voice).

[57]*de plerisque dubitanti* "doubting [= reserving judgment] on most matters" = "an Academic."

> et ad magnas utilitates rei publicae mos, religio, disciplina, ius augurium, collegii auctoritas. (2.70)
>
> I'm certain that Romulus, who took auspices in founding the city, held the view that, with regard to seeing the future, there was a science of augury (antiquity was, after all, in error on many points); and it's clear that the science has been modified, whether in the way it's used, in the way it's conceived, or by the effects of age; but for the sake of popular opinion and to the great benefit of the conduct of government, inherited custom, religious strictures and practices, the right to take auspices, and the influence of the college are maintained.[58]

This view was not without precedent, recalling the *genus ciuile* of the tripartite theology advanced by the *pontifex maximus* Q. Mucius Scaevola and Varro. The three kinds of theology were that of the poets (*mythicon*), that of philosophers (*physicon* or *naturale*), and that of statesmen (*ciuile*), of which Varro held the first immoral, the second unnecessary, and the third important to civic administration.[59] M.'s restriction of "true" knowledge about divination to a select few, also present in Varro,[60] recalls the γενναῖον ψεῦδος "noble lie" of Plato's *Republic* (3.414–5d), the invention by lawgivers of the idea of law to restrain the masses. This sort of "civic religion" anchored by a "noble lie" is not merely the product of M.'s pragmatism but the very resolution of the text's polarities: such a religion can perforce be neither the object of belief nor the subject of skepticism—not, at any rate, on the part of the noble liar.

Cicero not only points to the theory of the "noble lie" but also adumbrates the means of implementing it, in the form of M.'s comments about the Sibylline books (2.110–12), which contain a pointed reference to contemporary experience. The books are attacked on two counts. Their lack of specificity is impugned: they are not truly prophetic but merely "cleverly" (*callide*) composed so that "by failing to specify individuals or times, whatever happened would seem to have been predicted" (*ut quodcumque accidisset praedictum uideretur hominum et temporum definitione sublata*). The mantic character of the books is

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[58]Cf. also *fulmen sinistrum...institutum rei publicae causa est, ut comitiorum uel in iudiciis populi uel in iure legum uel in creandis magistratibus principes ciuitatis essent interpretes*, 2.74; cf. 2.75. Q. disagrees with this position: cf. 1.105.

[59]Var. *Ant. R.D.* frr. 6–22 Card. On Scaevola, cf. August. *C.D.* 4.27, 31; 6.5–6, 12; 7.5–6; Tert. *ad Nat.* 2.1.8–15. On the *theologia tripertita*, cf. Lieberg. See also Rawson 1985: 300. For the connection of the *theologia tripertita* and *de Divinatione*, cf. Linderski 1982 and below, n. 83.

[60]Cf. *sic alia quae facilius intra parietes in schola quam extra in foro ferre possunt aures*, August. *C.D.* 6.5 = *Ant. R.D.* fr. 8.

also called into question: the acrostic that marks the verses proves they are not the work of a "madman" (*furens, insanus*) but of an "alert mind" (*attentus animus*) and a "painstaking" (*diligentiam adhibens*) writer.[61] M. turns to a single incident to illustrate each of the flaws: the rumored intention of L. Aurelius Cotta to propose to the senate that Caesar be declared king, on the grounds that a passage in the Sibylline books stated that only a king could defeat the Parthians.[62] Pointing out the vagueness of the prophecy—and adding a doubt about its authenticity[63]—M. asks, "If this is in the books, to which man and at what time does it apply?" (*hoc si est in libris, in quem hominem et in quod tempus est?*). Since the books are not truly mantic, M. advocates sharp limitations in their use: they should not be consulted except by order of the senate—an established practice that Cotta would have violated:

> quam ob rem Sibyllam quidam sepositam et conditam habeamus, ut, id quod proditum est a maioribus, iniussu senatus ne legantur quidem libri ualeantque ad deponendas potius quam ad suscipiendas religiones. (2.112)
>
> Thus we should keep the Sibyl hidden in seclusion: that will keep the books from even being read except on the senate's orders, which is the custom our ancestors passed on to us, and ensure that they are used more to remove than to introduce religious practices.[64]

M.'s selection and handling of this particular incident point to the means of implementing the "noble lie." As we have just seen, traditional procedural regularity is to be strictly observed. That this point was important in Cicero's mind is suggested not only by his overt statement but also by his omission of other incidents. Had he wished only to attack the vagary of the Sibylline books, he might have done so with an example from his own life that took place some dozen years before the date of *de Divinatione*. Clodius in his aedileship had delivered in a *contio* an interpretation of some *responsa* that was hostile to Cicero, to which Cicero's speech *de Haruspicum Responso* is the reply. If M.

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[61]The acrostics guaranteed authenticity when the Sibylline books were recompiled after the burning of the Capitoline (83 B.C.E.); cf. D. H. 4.62.6, citing Varro. M. is of course exploiting the ambiguity of the terms *furens* and *insanus*, which mean both "mantically inspired" and "mentally deranged"; cf. his ironic treatment of *superstitiosa*, n. 41.

[62]Suet. *Iul.* 79; D.C. 44.15.3; App. *BC* 2.110; Plu. *Caes.* 60.

[63]For another possibly faked oracle, cf. Plu. *Cic.* 17, with Cic. *Cat.* 3.9.

[64]Cf. *Leg.* 2.21, *prodigia portenta ad Etruscos haruspices si senatus iussit deferunto*; D.C. 39.15.3 οὐ γὰρ ἐξῆν οὐδὲν τῶν Σιβυλλείων, εἰ μὴ ἡ βουλὴ ψηφίσαιτο, ἐς τὸ πλῆθος ἐξαγγέλεσθαι.

had wished to fault only the manipulability of Sibylline prophecy, he might have done so by referring to the *responsum* that the king of Egypt should be extended friendship but not helped militarily (D.C. 39.15)—a convenient prophecy for the enemies of P. Lentulus Spinther at the very moment when the ousted Ptolemy Auletes was in town and Lentulus was about to be sent to restore him. Cicero himself says of that prophecy *nomen inductum falsae religionis* (*Fam.* 1.4.2).[65] But neither set of *responsa*, however politically manipulated, could be faulted for procedural irregularity: both were the issue of consultations ordered by the senate, the former after an unexplained loud noise, the latter after a lightning strike. The irregularity of Cotta's pronouncement made it especially reprehensible.

I suggest that procedural regularity, which, after all, is ensured by consensus, is here emblematic not merely of the collective rule of the social elite, which the politico-religious system always symbolized and reinforced, but, more important, of the harmonious and statesmanlike conduct of that rule—a version of Cicero's failed ideal of *concordia bonorum omnium* and a vision that comes out strongly in M.'s discussion of Cotta's proposal. The *quindecimuiri sacris faciundis,* who were in charge of the books, are to be prevailed upon, says M., to issue anything except prophecies about kings, which will henceforth be intolerable at Rome: *cum antistitibus agamus ut quiduis potius ex illis libris quam regem proferant, quem Romae posthac nec di nec homines esse patientur* (2.112).[66] Implicit here are the elements of a mechanism for the use of the symbolic forms of religion in political life. First, the element of peer pressure. An unspecified "we," presumably senatorials, are to keep the *quindecimuiri* in line. This is no more than the negative version of an ideal of harmony of purpose. Second, there is an element of social responsibility: collective pressure is to impede irresponsible ideas, with irresponsibility defined as precisely that which damages the collectivity—for example a concentration of power in the hands of one person. Here, too, the ideal of harmonious collective is underlying, in the form of an ideal of rough equipollency. In short, the contribution of the passage on the Sibylline books is not to suggest merely that the elite should control the religious system, an unremarkable idea, but that they should behave harmoniously in so doing.

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[65]Cf. Shackleton Bailey's emendation and note, and cf. *Fam.* 1.7.4. For some examples of politically motivated *responsa*, cf. Rawson 1978: 141–42.

[66]The *antistites* are the *XVuiri,* here conceived of as "priests" of the temple of Apollo where the books were kept. The *X(V)uiri* probably also came to supervise the *haruspices* themselves in some way; cf. Rawson 1978: 141–42. Guillaumont 49, presumably after Pease 1920–23: 532, suggests that M.'s hostility towards the Sibylline books stems from professional rivalry between the college of augurs and the *XVuiri*.

This ideal may underlie one of the most remarkable aspects of the passage. As we have seen, M. suggests that the Sibylline books should be used to remove, and not to introduce, religious practices (*ualeantque ad deponendas potius quam ad suscipiendas religiones*). This seems to be a clear departure from tradition.[67] M.'s resistance to new rites is certainly explicable simply by reference to his pragmatism: if the old forms suffice for social control, no new ones are necessary. But there may be more here: religious innovation (though not, apparently, sanctioned by the Sibylline books) had marked the very period when Cicero was composing *de Divinatione*. The senate had voted Caesar a *tensa*, allowed him a statue among the gods, and created a priesthood for his *genius* (Suet. *Iul.* 67). Cicero had learned only too well about the potential for symbolic innovations to upset the balance of power. In fact in that light, as we will see, his very own poetry had come to seem offensive.

The Normative Semiotics of Religious Symbols (II): Cicero's Poetry

The above passages exhaust the explicit references to the construction of the "noble lie" in *de Divinatione*. Much more suggestive are the guidelines implied by what is surely one of the most remarkable aspects of the dialogue: the use by Q. of Cicero's poetry against M. Q. quotes substantially from Cicero's poetry, namely from the *Prognostica*, from the *Marius*, and from *de Consulatu suo*. As I have already noted, Cicero has thereby put his own formerly independent work into the mouth of the character who opposes his own character, M. The easiest explanation for the presence of excerpts from Cicero's poems is that he has simply quoted already available texts appropriate to the theme at hand. The *Prognostica*, the *Marius*, and the *de Consulatu suo* (*Div*. 1.17–22) all contain passages appropriate to a discussion of predicting the future: the *Prognostica* discuss weather signs, and the *Marius* and the *de Consulatu suo* both include descriptions of portents. Were the lines quoted only from the *Prognostica*, such an explanation might suffice. But *de Consulatu suo*, in which Cicero commemorated the fateful, as he thought, events of his own consulship, the central achievement of his political life, was a distinctly political composition, designed, like an *elogium*, to record Cicero for history on his own terms; and the *Marius*, probably an artifact of Cicero's exile, and commemorating a townsman of his (*municipem meum, Red. Pop.* 19), was also political, as indeed any

[67]For examples of foreign cults introduced by way of the Sibylline books, cf. Liv. 5.13.6 (introduction of the *lectisternium*), Liv. 36.37.4 (*ieiunium Cereris*; cf. Var. *Ant. R.D.* fr. 49, who contrasts *graecus castus* to *nostro ritu facienda*).

extended treatment of so controversial a figure could hardly fail to be.[68] Furthermore the text draws special attention to Cicero's reuse: "I'm sure you'll ask," says M., "how I'll manage to argue my case in defiance of my own deeds and writings—isn't this what you were driving at? You're my brother; I don't want to make an issue of it with you."[69] For Cicero to have recontextualized such poetry, and drawn attention to it, deserves to be investigated as more than merely a compositional convenience.

The key to understanding the recontextualizing of *Marius* and the *de Consulatu suo*, I suggest, is to be found in the issue we have been considering: the construction of the "noble lie" and the use of religious rites and symbols in political life. The passages cited, in short, contain a *negative* exemplum of how to construct a religious fiction: they both present the political fate of individuals, and not collectives, as the special concern of the gods. The passage from the *Marius* recounts an omen of an eagle and a snake, witnessed by Marius, according to the fiction of the poem, probably in 88–87, after he had been driven from Rome by Sulla. After the eagle, representing Marius, kills the snake, representing Sulla,[70] the quoted passage goes on to say:

> When Marius, augur of the divine will,
> saw this eagle in flight on swift wings,
> and recognized the favorable signs
> of his honor and return,

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[68]Marius' success as a *novus homo* provoked a hostile response from Catulus, Rutilius, and Sulla in their autobiographies, which are sources for Plutarch's life, and on which even Sallust's pro-Marian *Bellum Iugurthinum* is dependent. Carney shows Cicero's development of an alternate pro-Marian view by gathering and arranging Cicero's references to him.

[69]*"tu igitur animum induces sic enim mecum agebas causam istam et contra facta tua et contra scripta defendere?" frater es; eo uereor*, 2.46. In Quintus' putative objection, Marcus is represented as "managing" or "finding it in himself" (*animum inducere*), almost "forcing himself," to be self-contradictory. On the idiom *animum inducere*, cf. *OLD* s.v. *induco* 12a, b. The *scripta* include of course not only Cicero's poetry but such works as the third *Catilinarian* and *de Legibus*.

[70]The eagle was probably associated with Marius, as the snake was with Sulla. Plutarch *Mar*. 36.8–11 recalls the discovery by the young Marius of a nest with seven eaglets, presaging his seven consulships. An eagle was also given to Marius as a symbol of his legions (Plin. *Nat.* 10.16). As for Sulla, when Sulla was sacrificing before the praetorium in the *ager Nolanus*, during the Social War, a snake crawled out from under the altar, which was interpreted as a very favorable omen by Sulla's haruspex C. Postumius. Plutarch (*Sull.* 9) places Sulla and his augur Postumius in Nola a year later before he marched on Rome.

> from the lefthand sky the Father thundered,
> and thus Jupiter confirmed the eagle's clear omen. (1.106)

Although Marius is depicted as holding a conventional office, that of augur,[71] the passage, with its Homeric precedent,[72] does not suggest a Roman official exercising his collegial duty, which, as we have seen, did not strictly speaking involve prediction; rather, the passage recalls a hero receiving a personal, predictive message. The long passage from the *de Consulatu suo* details the signs observed by Cicero during his consulship that portended the Catilinarian conspiracy, including ominous stellar conjunctions, comets, the dimming of the moon's light, and a meteor; many of the same omens are described at *Cat.* 3.18–21.[73] The quotation contains (as does the quotation from Ennius' *Alexander*, treated above) lines additional to the description of the portents:

> These matters were understood well besides,
> with searching care, by those who happily
> devoted their leisure to honorable studies,
> and in the shady Academy and gleaming Lyceum
> they expounded the illustrious arts of their fertile minds.
> Torn from their midst at the first flower of your youth,
> you your fatherland set in the middle of the toil for excellences.
> But you, easing your anxious cares in repose,
> dedicated to us and to study whatever freedom the fatherland gave you. (1.21–22)

It is easy to see why Q. thought it to his advantage to quote as far along in the text as he did: the passage invokes the philosophical schools, including the Academy to which M. is indebted for his own arguments. But the "unnecessary" lines also make the *de Consulatu suo* passage of a piece with that from the *Marius*: it also features a special, direct relationship between a god and a mortal. The "you" of the lines is Cicero, who is being addressed directly by the Muse Urania.[74] She does not merely enumerate portents, but effectively vouches for the interpretation Cicero put on them in the third *Catilinarian*. Nor was Urania

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[71]Cic. *ad Brut*. 1.5.3 refers to Marius' ascension to the augurate by the *lex Domitia*.

[72]*Il.* 12.200–207 (interpretation 217–29). The sign appears to Hector and Polydamas as they and their party hesitated at the edge of the Achaean defensive ditch. In Homer the snake bites the eagle, who is forced to release it.

[73]For a collection of passages from Cicero's speech that use *testimonia diuina*, see Guillaumont 26–39.

[74]An appropriate Muse, as Pease 1920–23 points out, because of the astrological portents just enumerated.

the only divinity to be in contact with Cicero in the course of the poem. Other appearances were made by Jupiter, Apollo, and Calliope.[75]

Cicero's insertion of his own poetry into Q.'s mouth was, I suggest, a deliberate attempt to distance himself from that poetry and its claims of personal relationships, and even direct contact, with the divine. To be sure, portents and addresses by gods are stock elements of epic poetry. Cicero himself elsewhere stresses the fictional character of the *Marius* passage.[76] Furthermore, claims of special, personal relationships with divinities were an old means of asserting political identity in Roman culture; one has only to think of Numa and Egeria, or Scipio Africanus Maior and Jupiter Capitolinus. When Cicero was composing the *Marius*, probably in the early or mid-50s,[77] and the *de Consulatu suo*, which was in circulation by 55,[78] those options in the grammar of self-presentation were evidently acceptable to him. As we have seen, the *de Divinatione* was composed some ten years later; it was at least half-complete before the Ides of March 44 and only touched up afterwards. By that time, I suggest, the same elements of the grammar of self-presentation had acquired a singularly unpleasant flavor.

What will have changed Cicero's sensibility between the composition of the poems and of *de Divinatione* was, of course, civil war and the subsequent dictatorship of Caesar. We have already seen some examples of Caesar's use of religious symbolism; it will be helpful to recount a few others here.[79] Caesar also asserted a kind of personal relationship to a divinity, namely Venus, to whom Dio says he claims to have been especially devoted (43.43.3), to whom he dedicated a temple as the founder of his family, the *gens Iulia* (43.22.2), and who served as a rallying point in the battles of the civil war (App. *BC* 2.319,

[75]Cicero was evidently addressed by Jupiter himself: *Q. fr.* 2.7.1 probably alludes to Cicero's being summoned before the council of the gods by Jupiter, cf. Quint. 10.1.24, Ps. [Sal.] *Cic.* 7. Apollo also appeared; cf. *Q. fr.* 3.1.24. Calliope admonished Cicero to continue his political course (*Cons.* fr. 8.1–3 = *Att.* 2.3.4, scr. 60).

[76]*Leg.* 1.1–5, esp. 4–5; Q. sums up M's view by saying *intellego te, frater, alias in historia leges obseruandas putare, alias in poemate*.

[77]The date of the *Marius* is in dispute; see the introduction of Soubiran 42–51. Soubiran himself suggests that the theme of Marius was attractive to Cicero during his own exile; as M. notes, *temporibus illis multum in animo Marius uersabatur recordanti quam ille grauem suum casum magno animo, quam constanti tulisset*, *Div.* 2.140.

[78]It was the butt of a jibe by Piso, which Cicero counters at *Pis.* 72–73.

[79]For a treatment of Caesar's use of religious symbolism, its origins, and an assessment of Caesar's probable design, see Weinstock; cf. Beard-North-Fowler 140–49. For a survey of positions on whether Caesar intended to found a Hellenistic monarchy, see Yavetz ch. 1.

430). Indeed Caesar had recalled the connection of his family to the gods in the famous funeral oration for his aunt.[80] Coins were issued with the images of the dictator on one side and divinities on the other, not only giving him and them a special connection, but representing a living person on a coin for the first time.[81] The emblems of Caesar's dictatorship, voted by the senate in 45–44 (Suet. *Iul.* 76), drew on the repertoire of symbols of divine status used by the old Roman kings and Hellenistic monarchs, which, as Suetonius puts it, were "inappropriately high for a human" (*ampliora etiam humano fastigio*).

In claiming divine patronage and accumulating special symbols of honor, Caesar was not different in kind from many Roman potentates. Pompey himself had preceded Caesar in some of these respects.[82] But Caesar was different in degree, and with his consolidation of power—exactly contemporaneous with the inception of *de Divinatione*—it was now possible, especially for someone sympathetic to the old order, to think that the use of certain religious symbols and some of the justifications provided by the religious system had evolved from a language of competition between rival nobles struggling for temporary supremacies into the vanguard and sustenance of dictatorship. By a "slippery slope" argument, reference to divine patronage and divine approval, even if in some respects Caesar's use of symbols thereof was not unusual, could now appear to be the first step to the assertion of regal prerogatives and the destruction of optimate rule. In composing *de Divinatione*, Cicero, I suggest, was of this mind: he had come to believe that civic theology required an emphasis on the collective that in retrospect even his own poems seemed to violate. He distances himself from them, putting them in the mouth of Q., a character who, despite the various strengths of his argument, is particularly insensitive to the political implications of symbolic forms; and a character, it should be noted, who represents the "old" Marcus in another way, too. Some of the observations that Q. makes—the codeterminacy of gods and divination, the persuasiveness of the universality of divinatory practice, and the importance of divination in Roman history—are the very same that the character M. puts briefly to Atticus in *de Legibus* (2.32–33). But that dialogue antedates Caesar's "divinizing" by some half-dozen years.[83] Cicero's recontextualizing of his

[80]*ORF* 83.27 = Plu. *Caes.* 5.1, 28 = Suet. *Iul.* 6.

[81]Excellent images of the coins with Caesar and Iuno Sospita, and with Caesar and Venus holding Victory, can be found in Kent, #92 and #93 respectively.

[82]See Weinstock 37–39.

[83]For the date of *de Legibus*, probably contemporary with *de Republica* 54–51, cf. Kenter 1–5, De Plinval viii (with refs.). The patent difference between *Leg.* 2.32–33 and *de Divinatione* has occasioned various explanations. I share the view of Momigliano and

poetry represents an important element in the implicit guidelines for the construction of the "noble lie" in *de Divinatione:* it matters not only what the nobles say about the gods; it also matters what they permit each other to say about themselves. And Caesar had been permitted to say too much.

Conclusion

M.'s departures from the partisan defense of skepticism—his assertion of the political usefulness of haruspicine, his suggested strictures on the use of the Sibylline books, and his pointed refusal to defend his own poetic and other productions—are to be explained, I suggest, as Cicero's own frank but restrained attempts to point to the theory and practice of a limited, formal, and symbolic divination as the dialectical solution to the polarities that the dialogue pointedly develops between the two speakers. In two of those attempts I have detected the influence of Caesar; and in fact the solution to the problem of divination that I suggest Cicero is adumbrating in *de Divinatione* is one perfectly suited to be a response to Caesar's ascent. As we have seen, Caesar used religious symbolism to represent, and to justify, his own political supremacy. But Caesar was also a religious skeptic, at least to judge by the disregard of religious constraint attributed to him several times even in *de Divinatione* itself: he did not delay his departure to Africa to attack Scipio, despite the warning of a

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Linderski that Caesar's consolidation of power plays an important role. As Linderski 1982: 37–38 puts it: "When Cicero could not control the augur Antonius or the haruspex Spurinna, when the gods started talking the language of Caesar, he preferred not to believe in their enunciations"; cf. Momigliano 210. Linderski 1982, drawing on Varro's *theologica tripertita*, accordingly emphasizes that the change in Cicero's voice from *de Legibus* to *de Divinatione* corresponds to a change in modes of theology: *de Legibus*, with *de Republica*, is an example of the *genus ciuile* of theology by a *princeps ciuitatis*; whereas *de Natura Deorum* and *de Divinatione* are examples of the *genus naturale* of theology by a philosopher. Linderski further suggests that Cicero found a different kind of philosophical voice appropriate for a different political consciousness. I fail to understand the objections of Schofield n. 30 to Linderski's view, for which he prefers a development in Cicero from belief to skepticism after having read Carneades. Guillaumont 165–69 also attributes the change largely to a purely philosophical development on Cicero's part. Beard misrepresents Linderski as having considered the shift as one of "faith" to "skepticism" (34). Goar 1978: 103 frames the issue somewhat differently, seeing the purpose of *de Legibus* as the "glorifi[cation of] the Roman constitution as it functioned in the Scipionic era," and the purpose of *de Divinatione* as "[the destruction of] superstition without discarding belief"; cf. Goar 1968, Timpanaro lxxvii–lxxix.

haruspex (*Div.* 2.52);[84] and, on the occasion of his first public appearance in full purple, the ancient garb of kings, Caesar opened the sacrificial animal, only to find no *cor*, or heart. He dismissed the omen, quipping, with a pun on *cor* as "seat of intelligence," that it was no omen if a dumb animal lacked a *cor* (*Div.* 1.119).[85] Appian's description of Caesar as a "despiser of omens" (σημείων... ὑπερόπτης, *BC* 1.152) was evidently justified.[86]

That kind of manipulative skepticism must have posed problems for two sorts of people. Naturally it would have posed trouble for fideists, not least because they were put at a severe political disadvantage: while they, too, might have been able, as the omens permitted, to appeal to divine approval, they would also be hindered by its apparent absence, if the omens were contrary, or, perhaps worse yet, deluded by good omens into thinking their course had divine sanction. But the manipulative skepticism of a given party, if it was successful, also posed trouble for *other* manipulative skeptics, as well as for better-behaved skeptics and even for agnostics: these parties would also have found themselves disempowered. In short, a successful manipulative skeptic like Caesar stood at a considerable political advantage. One of the tacit concerns of *de Divinatione* is the question of how to prevent such advantages from being gained. The most extreme strategies were either to reject utterly the religious system that had proven itself so dangerously manipulable, or to defend it in detail; either strategy might illuminate, from different angles, the flaws of the current champion. Cicero uses the voices of M. and Q. to explore these very two strategies, which happened to have convenient congeners in Academic σκέψις and Stoic fideism. But, as I have argued, Cicero deliberately highlights the failures of each position to accommodate aspects of Roman cultural identity. Indeed discussions of divination in the Greek philosophical tradition centered on the question

[84]The oracle warned Caesar not to cross to Africa *ante brumam* "before winter" incidentally, a possible example of a conservative *responsum*; cf. n. 36. Cf. Suet. *Iul.* 59. But as Rawson 1978: 142–43 points out, Caesar in fact exactly fulfilled the letter of the law. He went to Lilybaeum by land and boarded a ship "on the sixth day before the Ka - lends of January" (*Bell. Afr.* 2.2–5)—which would have been the very day of the winter solstice, if the Roman calendar had not been at that time out of sync with the actual seasons.

[85]Cf. Pliny *Nat.* 11.186. Other authors date the event to the fateful Ides; so Plu. *Caes.* 63.1, V. Max. 1.6.13. Appian (*BC* 2.116) places the event in Spain; Polyaenus *Strat.* 8.23.33 records that this joke cheered Caesar's troops. Suet. *Iul.* 77 does not date the event to a particular day.

[86]In Suetonius' words, *ne religione quidem ulla a quoquam incepto absterritus umquam uel retardatus est* ("Caesar was neither frightened from, or delayed in, any undertaking because of religious scruple," *Iul.* 59).

of veracity and could not provide a framework wholly adequate for the treatment of Roman tradition and social practice.

The extreme strategies were not the only possible response to the successful use of religious symbols by a manipulative skeptic. There were more moderate or more practical possibilities. One might change the terms of the question: taking religious practices not as a set of truth claims to be embraced or rejected but as a useful set of potent social gestures to be regulated, one might seek to set limits on the number and potency of religious symbols. One might set out an ideal of collective identity that implicitly showed off contemporary excesses to disadvantage. These are the sorts of strategies to which *de Divinatione* delicately points. It suggests that the "text" of symbolic forms should not be read literally; it underscores the hazards of symbolic forms that postulate direct relationships between individuals and gods; it does not admit into the category of acceptable, because useful, forms those which are beyond immediate senatorial control; it appeals to an ideal of a harmonious and cooperative ruling class; and it even generates feelings of ethnic and class pride.

In short, the ideological dynamic of *de Divinatione* accords well with strategies that might have been occasioned by the dominance of Caesar. At any rate the anxieties induced by Caesar's dislocation of the balance of power certainly loom large in one particular passage. With great bitterness Cicero inscribes onto Pompey one of the hazards of fideism:

> hoc ciuili bello, di inmortales! [sc. haruspices] quam multa luserunt! quae nobis in Graeciam Roma responsa haruspicum missa sunt! quae dicta Pompeio! etenim ille admodum extis et ostentis mouebatur. non lubet commemorare, nec uero necesse est, tibi praesertim, qui interfuisti; uides tamen omnia fere contra ac dicta sint euenisse. (2.53)
>
> In this past civil war, ye gods! The sport the haruspices had! The responses they sent to us in Greece from Rome! The things they said to Pompey! He was very much moved by entrails (*exta*) and portents (*ostenta*). I have no wish to recall the events; in fact it's not necessary to recall them to you, since you were there; but you see that virtually everything turned out the opposite.

This passage certainly jibes with the later image of Pompey as superstitious—though he was not averse to ignoring *obnuntationes* or abusing his own powers as *augur*.[87] Whether Pompey really was superstitious is, perhaps, irrelevant: if

[87]Pompey connived in Caesar's refusal to acknowledge Bibulus' *obnuntiationes* in 59 (Cic. *Att.* 2.16.2), and cooperated with him, he as an *augur* (*Att.* 2.12.1; cf. *Att.* 2.22.2) and Caesar as *pontifex maximus*, in securing Clodius' transfer to the plebs. Freshly

Pompey's troops had won the battle of Pharsalus, he would have become the exemplar of piety, duly turned into a parable in Valerius Maximus (if there had been a Valerius Maximus). Rather, the same ideological resistance to Caesar that forms Cicero's adversions to him informs his bitter treatment of Pompey, to whom he assigns an extreme form of fideism that the text otherwise discredits and which, it should be noted, even Q. does not endorse, at least not by half-way through the second book, when he retreats to the Dicaearchan citadel of dreams and inspiration (2.100). If fideism and skepticism are polar opposites, and the victor is configured as a skeptic, the defeated can only be configured as fideist.

Perhaps even M.'s peroration, which is markedly at odds with the rest of Book 2, shows some of the ideological concerns that Caesar induced:

> nec uero (id enim diligenter intellegi uolo) superstitione tollenda religio tollitur. nam et maiorum instituta tueri sacris caerimoniisque retinendis sapientis est, et esse praestantem aliquam aeternamque naturam et eam suspiciendam admirandamque hominum generi pulchritudo mundi ordoque rerum caelestium cogit confiteri. quam ob rem, ut religio propaganda etiam est, quae est iuncta cum cognitione naturae, sic superstitionis stirpes omnes eligendae. instat enim et urget et, quo te cumque uerteris, persequitur, siue tu uatem siue tu omen audieris, siue immolaris siue auem aspexeris, si Chaldaeum, si haruspicem uideris, si fulserit, si tonuerit, si tactum aliquid erit de caelo, si ostenti simile natum factumue quippiam; quorum necesse est plerumque aliquid eueniat, ut numquam liceat quieta mente consistere. (2.148–49)
>
> I want to make it perfectly clear that doing away with superstition does not mean doing away with religion altogether. It is sensible (*sapientis est*) to preserve our ancestors' institutions by keeping rites (*sacra*) and rituals (*caerimoniae*); the beauty of the universe and the order of heavens compels one to admit that there is some sort of eminent, eternal nature that must be acknowledged and honored by human beings. Religious practice (*religio*) that depends on an understanding of nature must be propagated even as every root of superstition must be torn up. For it presses on you constantly and follows you wherever you turn, whether you've heard a seer or an omen, whether you've sacrificed or spotted a bird, if you've seen an astrologer or a haruspex, if there's been a lightning flash or a thunder clap, if something's been hit by lightning or if some event or birth

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elected consul in 55, Pompey also used *obnuntiatio* as consul in 55 to secure supportive magistrates (Plu. *Cat. Mi.* 42.3.)

> seems prodigious. Some one of these things is constantly happening, to the point that peace of mind is impossible.

While M. had previously impugned the wearisome multiplicity of possible divine signs (2.84), it was in the way of a *reductio ad absurdum*, and not a defense of quietude; and he had not previously asserted this Stoic view that the order of the universe implies the existence of the gods,[88] nor the view that natural science leads to proper religion;[89] indeed nowhere else does M. refer to the *sapiens* "wise man" as the custodian of antique ritual. But the ideas fit very well with the point to which the arguments—and the rhetoric—of *de Divinatione* have in my view come by the dialogue's end. They are precisely those philosophical ideas that fit most harmoniously with the ideal religious symbolism to which the text points: if an orderly world ruled by austere gods demands respect and permits quietude, that is because it is no more than the theological projection—in a sense, the symbol—of a sensible populace ruled by a naturally superior nobility—to whose young men the dialogue is addressed.[90] But the passage also moves from respect for the *mos maiorum* to a moral imperative, expressed in an agricultural metaphor, to cultivate the true and extirpate the false and adds an almost Lucretian plea for ἀταραξία. An image that postulates a clear and simple difference between "good" and "bad" religion and a plea for structural simplicity and psychological relief, coupled with an expression of reverence for the old ways, transpose onto religion the political anxieties that must have been acute, in some quarters, in late 45 and early 44.

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[88]Cf. *N.D.* 2.15–17, 43, 56, 97; at *N.D.* 3.95 M. hints he is sympathetic to philosophic deism, cf. Schofield 57. The closest M. comes to such a view elsewhere in *Div.* is at 2.41: *diuinatio enim perspicue tollitur; deos esse retinendum est*. On the "eternal nature" of the Stoics, cf. *N.D.* 1.45, 47, 56, 97, 100, 116, 121; 2.46. Jannaconne 117 sees this passage as evidence that Cicero accepts the possibility of the existence of Posidonian συμπάθεια, and means earlier rejections of it to be directed against its use to justify superstitious practices.

[89]For this idea cf. *N.D.* 3.92, *Fin.* 1.63, 4.11.

[90]Cf. 2.4–5, which describe Cicero's intended audience: not all the young, but *pauci…quorum tamen in re publica late patere poterit industria*.

Works Cited

Austin, R. G. 1960[3]. *Pro M. Caelio oratio.* Oxford.

Bayet, J. 1971. *Croyances et Rites dans la Rome antique.* Paris.

Beard, M. 1986. "Cicero and Divination: the Formation of a Latin Discourse." *JRS* 76: 33–46.

Beard, M. and J. North, eds. 1990. *Pagan Priests: Religion and Power in the Roman World.* London.

Beard, M., J. North, and S. R. F. Price. 1988. *Religions of Rome.* Cambridge.

Bouché-Leclercq, A. 1882. *Histoire de la divination dans l'antiquité.* Vol. IV, *Divination italique.* Paris. Rpt. Brussels 1963.

Buchheit, V. 1976. "Dichtertum und Lebenform in Catull c.35/36." In A. Barrera-Vidal et al., eds., *Lebendige Romania: Festschrift für Hans-Wilhelm Klein.* Göttingen. 47–64.

Carney, T. F. 1960. "Cicero's picture of Marius." *WS* 73: 83–122.

Clausen, W. 1964. "Callimachus and Latin Poetry." *GRBS* 5: 181–96.

Denyer, N. 1985. "The Case against Divination: an examination of Cicero's *de Divinatione.*" *PCPS* n.s. 31: 1–10.

De Plinval, G. 1959. *Cicéron: Traité des lois.* Paris.

Dumézil, G. 1970. *Archaic Roman Religion.* Chicago.

Durand, R. 1903. "La date du 'de divinatione.'" In *Mélanges Boissier: recueil de mémoires concernant la littérature et les antiquités romaines dédié à Gaston Boissier*, Paris. 173–84.

Dyck, A. W. 1996. *A Commentary on Cicero's* de Officiis. Michigan.

Falconer, W. A. 1923. "A Review of Durand's 'La date du *de Divinatione.*'" *CP* 18: 310–27.

Giomini, R. 1975. *De divinatione, de fato, Timaeus.* Leipzig.

Goar, R. J. 1978. *Cicero and the State Religion.* Amsterdam.

———. 1968. *The Purpose of* de Divinatione. *TAPA* 99: 241–48.

Gordon, R. 1990. "Religion in the Roman Empire: the civic compromise and its limits." In Beard and North 1990: 233–55.

Guillaumont, F. 1984. *Philosophe et augure: Recherches sur la théorie cicéronienne de la divination.* Brussels.

Gulick, C. 1896. "Women and Augury in Plautus." *HSCP* 7: 235–47.

Hellegouarc'h, J. 1963. *Le vocabulaire latin des relations et des partis politiques sous la république.* Paris.

Hickson, F. V. 1993. *Roman Prayer Language: Livy and the Aneid* (sic) *of Vergil.* Stuttgart.

Janssen, L. F. 1975. *Die Bedeutungsentwicklung von* Superstitio/Superstes. *Mnemosyne* 27: 135–88.

Jannaconne, S. 1955. "Divinazione e culto ufficiale nel pensiero del Cicerone." *Latomus* 14: 116–19.

Kent, J. P. C. 1973. *Die römische Münzen.* Munich.

Kenter, L. P. 1972. *M. Tullius Cicero* De Legibus: *A commentary on book I.* Amsterdam.

Lenaghan, J. O. *A Commentary on Cicero's oration* de haruspicum responso. The Hague.

Lieberg, G. 1973. "Die *'theologia tripertita'* in Forschung und Bezeugung." *ANRW* I.4: 63–115.
Liebeschuetz, J. H. W. G. 1979. *Continuity and Change in Roman Religion.* Oxford.
Linderski, J. 1972. "The Aedileship of Favonius, Curio the Younger and Cicero's Election to the Augurate." *HSCP* 76: 181–200.
———. 1982. "Cicero and Roman Divination." *PP* 12–38.
Momigliano, A. 1979. "The Theological Efforts of the Roman Upper Classes in the First Century B.C." *CP* 84: 199–211.
Pease, A. S. 1920–23. *M. Tulli Ciceronis de Divinatione Libri Duo*. Rpt. Darmstadt 1977.
———. 1955. *De Natura Deorum.* Cambridge, MA.
Rawson, E. 1978. "Caesar, Etruria and the *Disciplina Etrusca.*" *JRS* 63: 132–52.
———. 1985. *Intellectual Life in the Late Roman Republic.* Baltimore, MD.
Schofield, M. 1986. "Cicero For and Against Divination." *JRS* 76: 47–65.
Soubiran, J. 1972. *Cicéron: Aratea, Fragments Poétiques.* Paris.
Taylor, L. R. 1968. *Party Politics in the Age of Caesar*. Berkeley and Los Angeles.
Timpanaro, S. 1999. *Della divinazione*. 5th ed. Milan.
Troiani, L. 1984. "La Religione e Cicerone." *RSI* 96: 920–52.
Weinstock, S. 1971. *Divus Iulius*. Oxford.
Wissowa, G. 1912[2]. *Religion und Kultus der Römer*. Munich.
Yavetz, Z. 1983. *Julius Caesar and his public image.* Trans. Z. Yavetz. Ithaca. Originally published as *Caesar in der offentlichen Meinung.* Düsseldorf, 1979.